

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILLIAM A. MORIN and KIM MORIN,
husband and wife,

Plaintiffs,

v.

COMMONWEALTH ANNUITY AND LIFE
INSURANCE COMPANY, F/K/A
ALLMERICA FINANCIAL LIFE
INSURANCE AND ANNUITY COMPANY,
a foreign insurer doing
business in Washington, and
ROBERT JAYNE, an agent of
Allmerica Financial Life and
Annuity Company, and CHARLES
POTTER, also an agent of
Allmerica Financial Life and
Annuity Company,

Defendants.

NO. CV-10-0392-EFS

**ORDER GRANTING THE STIPULATION
REGARDING REMAND TO SPOKANE
COUNTY SUPERIOR COURT**

Before the Court, without oral argument, is the parties' Stipulation Regarding Remand to Spokane County Superior Court. (ECF No. [8](#).) The parties agree diversity jurisdiction no longer exists and that remand is appropriate given the addition of Washington-resident Defendants. Under the circumstances, the Court finds remand is appropriate. See 28 U.S.C. § 1441; *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). However, this Court does not have the power to alter Defendants' state-court

1 answer deadline; therefore, this portion of the parties' stipulation is
2 not adopted. Accordingly, **IT IS HEREBY ORDERED:**

3 1. This case is **REMANDED** to Superior Court of the State of
4 Washington, County of Spokane (Case No. 10-2094112-0).

5 2. Allmerica is not required to answer or otherwise respond to the
6 Amended Complaint until this case is reopened in Spokane County Superior
7 Court.

8 3. The parties do not waive any right to remove or invoke federal
9 jurisdiction in the future.

10 4. This file shall be **CLOSED**.

11 **IT IS SO ORDERED.** The District Court Executive is directed to enter
12 this Order and provide copies to all counsel.

13 **DATED** this 13th day of December 2010.

14
15 s/Edward F. Shea
16 EDWARD F. SHEA
United States District Judge

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